

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 February 2017	
Application ID: LA04/2015/1488/F	
Proposal: Demolition of existing dwelling and erection of proposed 6 No. apartments with associated parking and amenity space	Location: 122 Blacks Road Belfast BT10 ONF
Referral Route: More than 4 dwellings	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Mr & Mrs M J Eastwood 122 Blacks Road Belfast BT10 ONF	Agent Name and Address: Mullan Chartered Architects 134a Upper Lisburn Road Belfast BT10 0BE
<p>Executive Summary: This application seeks full planning permission for the demolition of existing dwelling and erection of proposed 6 No. apartments with associated parking and amenity space. The proposed block is three storey.</p> <p>The Development Plan identified the site as being within the Development Limits of Belfast as per Belfast Metropolitan Area Plan 2015.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> (a) Principle of apartments on the site (b) Road safety (c) Design and layout <p>The proposal was assessed against the Development Plan (BMAP 2015); Strategic Planning Policy Statement for Northern Ireland (SPPS); Planning Policy Statement 3: Access, Movement and Parking; Planning Policy Statement 7: Quality Residential Environments; Planning Policy Statement 12: Housing in Settlements; and Planning Policy Statement 7 (PPS) Addendum: Safeguarding the Character of Established Residential Areas The proposal complies with these policies.</p> <p>The following issues were raised through written representation and are considered within the report:</p> <ul style="list-style-type: none"> (a) overshadowing (b) invasion of privacy and overlooking, including the side elevations which are frosted (c) child protection issues due to overlooking (d) increased rubbish generated (e) road safety and increased traffic (f) impact on property values adjacent (g) feeling hemmed in (h) size, scale and density of proposal out of keeping with the area (i) noise and disturbance from proposed car park (j) overdevelopment of the site 	

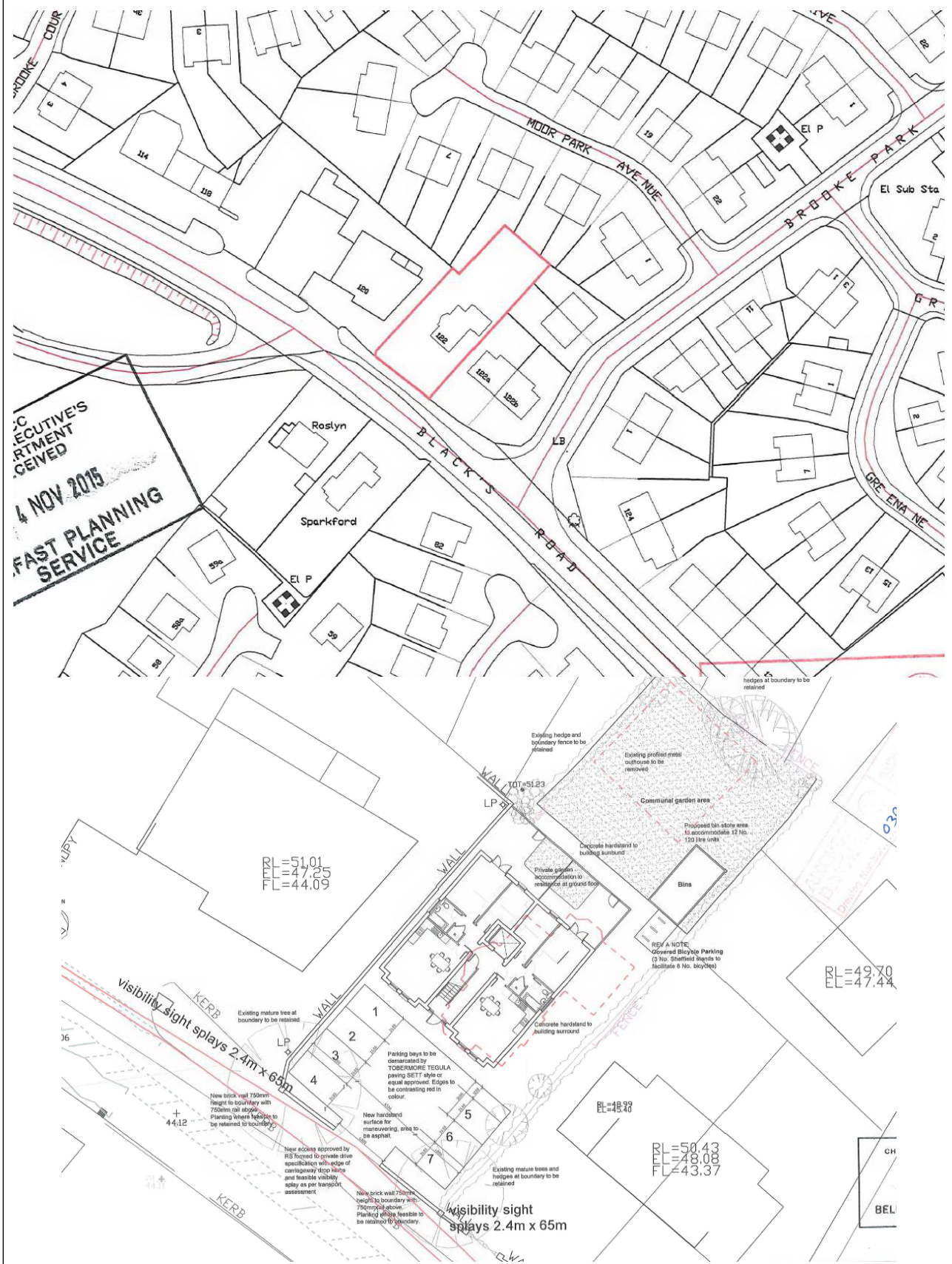
- (k) noise and nuisance
- (l) has an environmental impact report been carried out?
- (m) is the proposed development for the private sector or housing association?
- (n) eyesore
- (o) the land may be contaminated as a result of previous uses
- (p) effect on the character of the neighbourhood
- (q) windows fitted with obscure glazing could be replaced with plain glass
- (r) proximity to the boundaries
- (s) a mature tree which is noted on the plans to be retained may be undermined during construction and cause damage

All consultees responded with no objections.

An approval with conditions is recommended.

Case Officer Report

Site Location Plan



Representations:	
Letters of Support	None Received
Letters of Objection	10
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Characteristics of the Site and Area	
<p>1.0 Description of Proposed Development Demolition of existing dwelling and erection of proposed 6 No. apartments with associated parking and amenity space.</p> <p>2.0 Description of Site The site is located at 122 Blacks Road, Belfast. The site is not zoned in the Belfast Metropolitan Area Plan 2015 (BMAP). The existing building on site comprises a 2 storey detached dwelling with parking to the front and enclosed amenity space to the rear. There is also a large detached garage to the rear. There is residential development opposite, to the rear and to the side. There is a petrol filling station directly adjacent to the site to the North West. The site fronts onto Blacks Road itself and the vehicular access is from Black's Road. The North West boundary of the site is defined by a brick wall which is approximately 2m high with high hedging to the rear. The remaining boundaries are defined by a mix of wooden fencing, hedging and a brick wall. The existing properties in the area are mainly semi- detached and detached.</p>	
Planning Assessment of Policy and Other Material Considerations	
<p>3.0 Site History There is no relevant site history.</p> <p>4.0 Policy Framework 4.1 Belfast Metropolitan Area Plan 2015 4.1.1 No zoning 4.2 Strategic Planning Policy Statement (SPPS) 4.2.1 Good design paras 4.23 – 4.30 4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking 4.3.1 Policy AMP 1: Creating an Accessible Environment 4.3.2 Policy AMP 2: Access to Public Roads 4.4 Planning Policy Statement (PPS) 7: Quality Residential Environments 4.4.1 Policy QD 1: Quality in New Residential Development 4.5 Planning Policy Statement 7 (PPS) Addendum: Safeguarding the Character of Established Residential Areas 4.5.1 Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity 4.6 Planning Policy Statement (PPS) 12: Housing in Settlements 4.6.1 Planning Control Principle 2: Good Design</p> <p>5.0 Statutory Consultees 5.1 Transport NI – No objection subject to conditions 5.2 Northern Ireland Water Ltd - No objection 5.3 NIEA Waste Management Unit - No objection subject to conditions 5.4 NIEA Water Management Unit – No objection</p> <p>6.0 Non Statutory Consultees 6.1 BCC Environmental Health – No objection subject to conditions</p>	

7.0 Representations

The application has been neighbour notified and advertised in the local press. Ten representations have been received.

8.0 Other Material Considerations

8.1 DCAN 8: Housing in Existing Urban Areas

8.2 DCAN 15: Vehicular Access Standards

8.3 Creating Places

9.0 Assessment

Principle of Development

9.1 The site is located within Belfast's development limits as designated in Belfast Metropolitan Area Plan 2015. The presumption is therefore in favour of development subject to the planning considerations detailed below. The site is not zoned for any specific use. The proposal is for demolition of the existing dwelling and erection of 6 No. apartments with associated parking and amenity space.

9.2 The key issues are

- (a) Principle of apartments on the site
- (b) Road safety
- (c) Design and layout

Issues raised in Representations

9.3 Nine objections were received from nearby residents which raised the following points

- (a) overshadowing
- (b) invasion of privacy and overlooking, including the side elevations which are frosted
- (c) child protection issues due to overlooking
- (d) increased rubbish generated
- (e) road safety and increased traffic
- (f) impact on property values adjacent
- (g) feeling hemmed in
- (h) size, scale and density of proposal out of keeping with the area
- (i) noise and disturbance from proposed car park
- (j) overdevelopment of the site
- (k) noise and nuisance
- (l) has an environmental impact report been carried out?
- (m) is the proposed development for the private sector or housing association?
- (n) eyesore
- (o) the land may be contaminated as a result of previous uses
- (p) effect on the character of the neighbourhood
- (q) windows fitted with obscure glazing could be replaced with plain glass
- (r) proximity to the boundaries
- (s) a mature tree which is noted on the plans to be retained may be undermined during construction and cause damage

These matters will be considered throughout the assessment in accordance with current legislation and planning policy, however a number are outside of the remit of the planning authority. The value of property is not a material planning consideration. The applicant's details are clearly noted on the P1 Application Form which is available to view on the Planning Portal as well as at the Belfast City Council Planning Reception. An Environmental Impact Assessment was not carried out for the proposal as it is not considered a Schedule 1 or Schedule 2 development under The Planning (Environmental Impact Assessment) Regulations (NI) 2015.

9.4 The proposal makes use of the full site and proposes 6 units over 3 floors with amenity to the rear and parking to the front. The building is rectangular in shape with a pitched roof. Since the

land is not zoned within BMAP 2015 and the current use on the site is residential, the principle of residential accommodation is considered acceptable.

9.4 Parking and Access Arrangements

Transport NI (DFI) are the authoritative body on road safety and transport issues. Off street parking is proposed as part of the development to the front of the site. Transport NI stated no objections to the proposal subject to conditions. Objectors raised a number of issues relating to parking, increased traffic and road safety which were forwarded to Transport NI for comment. TNI responded following consideration of these issues and advised of no change to their position. It is considered the proposal complies with PPPs.

9.5 Design and Layout

PPS7 sets out the policies for achieving quality in new residential development. QD1 of the statement requires development to conform to all of the criteria stated (a-i).

(a) The proposed units are over three floors, two on each floor. The apartments are all 2 bedroom and are approximately 60sqm which is acceptable as per space standards set out in Policy LC 1. Each unit is accessed off an internal corridor and stairwell with the building operating a single, main point of access to the front of the building. The building is of a traditional design overall with pitched roof but hipped to the sides and two flat roofed dormers to the rear. The structure measures 9.2m from finished floor level to ridge height which is acceptable for the area when viewed with the surrounding context and when considering the height of the existing dwelling which is 8.8m from ground level to ridge height the increase in height of 0.4m is not considered to adversely impact on the character of the area. The bulk, scale and massing of the proposed building is in keeping with that of the surrounding area. Bin storage is provided to the rear.

(b) There are no features of archaeological or built heritage importance to be protected.

(c) The existing mature trees and hedging are to be retained which will help to soften the visual impact. An objector raised concern regarding the stability of an existing mature tree to the front boundary. Any overhang is a civil matter between the two parties and not a planning consideration. The objector also raised concern that should the proposal be approved the stability of the tree could be undermined and be unsafe or cause damage. Any tree to be retained will be conditioned as such and any construction works carried out to current British Standards. Creating Places advises 'In the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens and these should range from a minimum of 10 sq m per unit to around 30 sq m per unit. The two ground floor apartments both have separate private rear amenity space whereas the four remaining ones have shared amenity space to the rear of the site. The level of amenity space falls well within this recommendation and is therefore acceptable.

(d) The site is located close to shops and services nearby. The scale of the development is not such that would warrant local neighbourhood facilities to be provided within the development itself.

(e) There is one vehicular access to the development as stated previously. There is a covered cycle stand proposed to the rear also to facilitate 6 no bicycles. The surface for parking is to be finished in asphalt. The site is located on a route for a number of Metro bus routes in and out of the city centre.

(f) Parking provision has been indicated off street with 7 spaces provided. Parking Standards recommends 1.5 spaces per 2 bedroom apartment so the proposed parking falls short of this recommendation by 2 spaces. DCAN 8 however states that a reduced level of car parking may be appropriate where a site includes a high level of pedestrian accessibility to local facilities and

public transport facilities with convenient access for pedestrians and cyclists. On balance the level of parking is acceptable due to the site's proximity to a Mace store, pharmacy and retail stores on Stewartstown Road as well as community services such as a nearby church and schools. Transport NI have also responded to consultation with no objection subject to conditions.

(g) The proposed building is of a traditional design. As stated previously there is a pitched roof with hips to the side. The proposed external materials are natural slate effect tiles and brickwork. A sample of this should be submitted and agreed in writing with the Council prior to construction should approval be granted. All bathroom windows are to be fitted with obscure glass as well as the lower half of the rear windows. Objectors raised concern regarding this in that the glazing could easily be changed. Should approval be granted this will be conditioned to be permanently retained as such and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Council. The design and materials are acceptable for the area.

(h) Since the site is in close vicinity of a land use type that has the potential to contaminate land, there is a risk to human health. As such a Preliminary Risk Assessment (GQRA), and Remediation Strategy was submitted and considered by Environmental Health. BCC Environmental Health advised of suggested conditions relating to the submission of a verification report prior to occupation of the development should approval be granted. NIEA suggested conditions also following review of the reports and stated no objections to the proposal. Environmental Health who are the authoritative body to comment on such matters responded to consultation with no concerns regarding noise pollution or disturbance. Creating Places recommends a minimum distance of around 15m should be provided between the rear of the apartments and the common boundary. In this case there is a distance of 21m, with an average of 5m to the side boundary with 122A Blacks Road adjacent which is acceptable. Due to the orientation of the sun overshadowing is likely only to occur on the site's proposed rear amenity space. There are no issues of overlooking or overshadowing onto neighbouring private amenity space.

(i) There appear to be no particular issues for concern for crime or personal safety.

9.7 The pattern of development is in keeping with the overall character of the existing area. All units are proposed to a size which comply with the space standards listed within Annex A of LC of Addendum to PPS7 for units of this type.

9.8 The proposal is considered to comply with Planning Control Principle 2 of PPS 12 in that it demonstrates a high quality of design, layout and landscaping as previously considered in the report through assessment of QD 1 of PPS 7 and Creating Places.

9.9 The proposal is considered to be in compliance with the development plan.

9.10 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

10.0 Summary of Recommendation: Approval with conditions

Neighbour Notification Checked: Yes

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Nos.02B & 03B bearing the date stamp 28th December 2016, prior to the occupation of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The vehicular access hereby permitted shall be formed by lowered kerbs at the carriageway edge and associated re-grading of the footway to the satisfaction of TransportNI.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.03B bearing the date stamp 28th December 2016, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

Reason: To ensure that adequate provision has been made for parking within the site.

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. Prior to the occupation of the proposed development, the applicant shall submitted to Belfast City Council Planning Service, for approval, a Verification Report. This report must demonstrate that all remedial measures outlined in the MCL Consulting report titled 'Contaminated Land Risk Assessment (PRA/GQRA and Remediation Strategy) Proposed Residential Development 122 Blacks Road, Belfast' dated March 2016, Report number P1105 have been implemented. The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Residential). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:

- Incorporation of 600mm clean cover system in all garden and landscaped area.

Reason: Protection of human health.

8. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

9. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

10. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

11. The proposed side elevation windows labelled D - F shall be finished in obscure glass as shown on drawing no 07B, date stamped received 28 December 2016. These windows shall be permanently retained and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Planning Authority.

Reason: In the interests of amenity.

12. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, have been submitted to and approved, in writing, by Belfast City Council. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to allow the Council to control the external appearance

13. The proposed side elevation windows labelled A - C shall be high level opening and finished in obscure glass as shown on drawing no. 06B, date stamped received 28 December 2016. These windows shall be permanently retained as such and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Planning Authority.

Reason: In the interests of amenity.

14. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use, another tree or trees shall be planted at the same place and those trees shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

15. The existing planting, as indicated on approved Drawing No 03B, date stamped 28 December 2016, shall be permanently retained and the proposed planting, as indicated on

the same stamped drawing, shall be undertaken during the first available planting season after the occupation of the dwelling hereby approved.

Reason: In the interest of visual amenity

16. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Department, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

ANNEX	
Date Valid	24th November 2015
Date First Advertised	11th December 2015
Date Last Advertised	13th January 2017
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 120 Blacks Road, Ballyfinaghy, Belfast, Antrim, BT10 0NF, The Owner/Occupier, 120A Blacks Road, Ballyfinaghy, Belfast, Antrim, BT10 0NF, DEBORAH CORR 122A Blacks Road Ballyfinaghy Belfast Deborah Corr 122A Blacks Road, Ballyfinaghy, Belfast, Antrim, BT10 0NF, Deborah Corr 122A, Blacks Road, Belfast, Antrim, Northern Ireland, BT10 0NF Deborah Corr 122A, Blacks Road, Belfast, Antrim, Northern Ireland, BT10 0NF The Owner/Occupier, 2 Brooke Park, Ballyfinaghy, Belfast, Antrim, BT10 0NJ, James Venning 2, Brooke Park, Belfast, Antrim, Northern Ireland, BT10 0NJ The Owner/Occupier, 3 Moor Park Avenue, Ballyfinaghy, Belfast, Antrim, BT10 0QE, The Owner/Occupier, 4 Brooke Park, Ballyfinaghy, Belfast, Antrim, BT10 0NJ, The Owner/Occupier, 4 Moor Park Avenue, Ballyfinaghy, Belfast, Antrim, BT10 0QE, Brendan Mulvenna 4, Brooke Park, Belfast, Antrim, Northern Ireland, BT10 0NJ Brendan Mulvenna 4, Brooke Park, Belfast, Antrim, Northern Ireland, BT10 0NJ Gerard Dornan 46, Garnock Hill, Belfast, Antrim, Northern Ireland, BT10 0AW Gerard Dornan 4b Garnock Hill, Belfast, BT10 0AN The Owner/Occupier, 5 Moor Park Avenue, Ballyfinaghy, Belfast, Antrim, BT10 0QE, The Owner/Occupier, Roslyn, Blacks Road, Dunmurry, Belfast, Antrim, BT10 0NF, The Owner/Occupier, Sparkford, Blacks Road, Dunmurry, Belfast, Antrim, BT10 0NF, Joe McVeigh</p>	
Date of Last Neighbour Notification	17/01/17

Date of EIA Determination	N/A
ES Requested	No
Planning History	
<p>Ref ID: Z/2010/0571/F Proposal: Single-storey extension to side and dormer window to rear of dwelling (Amended scheme). Address: 5 Moor Park Avenue, Ballyfinaghy, Belfast, Northern Ireland, BT10 0QE Decision: Decision Date: 16.08.2010</p> <p>Ref ID: Z/1990/2995 Proposal: Retaining wall to proposed petrol station Address: MOOR PARK (OFF BROOKE PARK) BLACKS ROAD BELFAST BT11 Decision: Decision Date:</p> <p>Ref ID: Z/1995/3029 Proposal: Extension of existing petrol station shop to provide 1 No ground floor retail unit with office accommodation on 1st floor. Address: 120 BLACKS ROAD, BELFAST BT10 Decision: Decision Date:</p> <p>Ref ID: Z/1990/2404R Proposal: Proposed petrol filling station, car wash and gas storage Address: LAND ADJACENT TO 122 BLACKS ROAD BELFAST Decision: Decision Date:</p> <p>Ref ID: Z/1997/2832 Proposal: Extension to existing petrol filling station Address: 120 BLACKS ROAD, BELFAST BT10 Decision: Decision Date:</p> <p>Ref ID: Z/1990/2404 Proposal: Construction of petrol station Address: OPEN SPACE AT BROOKE DRIVE FRONTING ONTO BLACKS ROAD BELFAST BT11 Decision: Decision Date:</p> <p>Ref ID: Z/1976/1096 Proposal: ERECTION OF PETROL FILLING STATION</p>	

Address: BLACKS ROAD, DUNMURRY

Decision:

Decision Date:

Ref ID: Z/1992/2321

Proposal: Erection of jet wash

Address: ADJACENT TO 122 BLACKS ROAD BELFAST BT11

Decision:

Decision Date:

Ref ID: Z/1992/2971

Proposal: Change of house type at sites 1,2,5,6,13,14,18,19,21,25,
26,27,28,47,48 and change of housing layout
previously approved as part of Z/90/2403

Address: BROOKE PARK,BLACKS ROAD BELFAST BT11

Decision:

Decision Date:

Ref ID: LA04/2015/1488/F

Proposal: Demolition of existing dwelling and erection of proposed 6 No. apartments with
associated parking and amenity space.

Address: 122 Blacks road, Belfast, BT10 0NF,

Decision:

Decision Date:

Notification to Department (if relevant) N/A

Date of Notification to Department:

Response of Department: